

United States District Court, Northern District of Illinois

MHW

Name of Assigned Judge or Magistrate Judge	JOHN W. DARRAH <i>John W. Darrah</i>	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 1982	4-29-08 DATE	4-29-08
CASE TITLE	Cornelius Donald Winfrey (B-03797) v. Cook County Department of Corrections Mailroom		

DOCKET ENTRY TEXT:

Plaintiff's motion for leave to file *in forma pauperis* [3] is granted. The Court orders the trust fund officer to deduct \$ 6.98 from Plaintiff's account for payment to the Clerk of Court as an initial partial filing fee. The Clerk shall send a copy of this order to the trust fund officer at Pinckneyville Correctional Center. The Court dismisses the complaint without prejudice. Plaintiff is given 30 days from the date of this order to submit an amended complaint. If Plaintiff does not timely comply with this order, this case shall be dismissed. However, Plaintiff will still be responsible for paying the filing fee. The Clerk shall send Plaintiff one copy of the amended civil rights complaint form, instructions for filing, and a copy of this order.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff Cornelius Donald Winfrey is granted leave to file *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff is assessed an initial partial filing fee of \$ 6.98. The trust fund officer at Plaintiff's current place of incarceration is ordered to collect, when funds exist, the partial filing fee from Plaintiff's trust fund account and pay it directly to the Clerk of Court. After payment of the initial partial filing fee, the trust fund officer at the correctional facility where Plaintiff is confined is authorized to collect monthly payments from Plaintiff's trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from Plaintiff's trust fund account shall be forwarded to the Clerk of Court each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. All payments shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, Il. 60604, attn: Cashier's Desk, 20th Floor, and shall clearly identify Plaintiff's name and the case number assigned to this action.

Courtroom Deputy
Initials:

CLH

STATEMENT

Plaintiff brings this *pro se* action pursuant to 42 U.S.C. §1983. He alleges that both his legal mail and personal mail were mishandled while he was detained at Cook County Jail. He has named the Cook County Department of Corrections Mailroom as his sole defendant. However, neither the Cook County Department of Corrections nor any of its departments are suable entities. *See Castillo v. Cook County Department Mail Room*, 990 F.2d 304 (7th Cir. 1993). If Plaintiff wants to proceed on this complaint, then he must name the individual(s) as defendant(s) who allegedly violated his constitutional rights.

The Court accordingly dismisses the complaint without prejudice. Plaintiff is given 30 days from the date of this order to submit an amended complaint on the forms required by Local Rule 81.1 of this Court. Plaintiff must write both the case number and the judge's name on the complaint and return the originally filled out and signed form and a copy for the judge and a copy for each defendant he names to the Prisoner Correspondent. Plaintiff is advised to keep a copy for his files. The copies of the complaint may be either exact duplicates of the original (that is, photocopied from the original) or conformed copies of the original (that is, typed or hand written word for word from the original). If Plaintiff chooses to make conformed copies then he may request more copies of the amended complaint form from the Prisoner Correspondent. If Plaintiff does not timely comply with this order, this case shall be dismissed. However, Plaintiff will still be responsible for paying the filing fee.